

Message

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**From:** Hestmark, Martin [Hestmark.Martin@epa.gov]  
**Sent:** 7/12/2018 4:29:57 PM  
**To:** Thomas, Deb [thomas.debrah@epa.gov]  
**Subject:** FW: Draft Letter to Ute Business Committee - Found it...

## Deliberative Process / Ex. 5

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**From:** Varilek, Kimberly  
**Sent:** Wednesday, July 11, 2018 4:31 PM  
**To:** Hestmark, Martin <Hestmark.Martin@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Moon, Diane <Moon.Diane@epa.gov>  
**Cc:** Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fallon, Gail <fallon.gail@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>  
**Subject:** RE: Draft Letter to Ute Business Committee - Found it...

Good afternoon – I also wanted to add to Martin’s email that in addition to Jeremy Patterson’s notice about possibly adding that enforcement inspection concern to next week’s agenda (identified below), Jeremy also shared that the Tribe is also interested in consulting on 2 other matters as well:

- Consultation on a letter that Martin issued a few weeks ago on the Coal-Fired Bonanza matter
- Possible settlement discussions on the CWA Enforcement matter EPA asserted against the Tribe

## Deliberative Process / Ex. 5

I look forward to your thoughts and recommendations. Regards – Kim V.

Kimberly D. Varilek  
Senior Tribal Advisor  
EPA Region 8 - Office of Regional Administrator  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6264

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**From:** Hestmark, Martin  
**Sent:** Wednesday, July 11, 2018 3:43 PM  
**To:** Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Moon, Diane <[Moon.Diane@epa.gov](mailto:Moon.Diane@epa.gov)>  
**Cc:** Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>; Morales, Monica <[Morales.Monica@epa.gov](mailto:Morales.Monica@epa.gov)>; Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>  
**Subject:** RE: Draft Letter to Ute Business Committee - Found it...

# Deliberative Process / Ex. 5

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**From:** Varilek, Kimberly  
**Sent:** Wednesday, July 11, 2018 3:35 PM  
**To:** Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>; Moon, Diane <[Moon.Diane@epa.gov](mailto:Moon.Diane@epa.gov)>  
**Cc:** Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>; Morales, Monica <[Morales.Monica@epa.gov](mailto:Morales.Monica@epa.gov)>; Hestmark, Martin <[Hestmark.Martin@epa.gov](mailto:Hestmark.Martin@epa.gov)>  
**Subject:** RE: Draft Letter to Ute Business Committee - Found it...

Good afternoon – I’m checking in to see if we have any update on the Ute Letter and the attachment that will accompany the letter, confirming consultation for next Friday (7/20)?

I just had a call from Jeremy Patterson regarding a separate inspection issue that occurred yesterday at the Ute Tribal office between some of our inspection folks and the Ute Business Committee. The Business Committee would like those concerns with the inspections to now be part of next week’s meeting. While that inspection issue is a separate issue, Jeremy plans to circulate a draft agenda to us this afternoon for multiple topics for next week’s meeting.

As a follow up, Jeremy asked if we intended to send correspondence to the Business Committee before the meeting to offer (or confirm) the consultation next Friday. For our awareness, if we plan to send any letter, Jeremy has a meeting with the Business Committee on Tuesday (7/17) and can confirm the meeting purpose through our letter and provide the Business Committee with the draft agenda. I told him I would follow up within the region and I will get back to him as soon as possible.

With that, do we have any word about the status of the letter and the attachment? Thank you! – Kim V.

Kimberly D. Varilek  
Senior Tribal Advisor  
EPA Region 8 - Office of Regional Administrator  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6264

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**From:** Daly, Carl  
**Sent:** Monday, July 9, 2018 4:43 PM  
**To:** Moon, Diane <[Moon.Diane@epa.gov](mailto:Moon.Diane@epa.gov)>  
**Cc:** Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>; Morales, Monica <[Morales.Monica@epa.gov](mailto:Morales.Monica@epa.gov)>; Hestmark, Martin <[Hestmark.Martin@epa.gov](mailto:Hestmark.Martin@epa.gov)>  
**Subject:** RE: Draft Letter to Ute Business Committee - Found it...

No, it did not go out.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks

Carl Daly, Deputy Assistant Regional Administrator  
Office of Partnerships and Regulatory Assistance  
EPA, Region 8  
303-312-6416

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**From:** Moon, Diane  
**Sent:** Monday, July 9, 2018 4:40 PM  
**To:** Daly, Carl <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>  
**Cc:** Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>; Morales, Monica <[Morales.Monica@epa.gov](mailto:Morales.Monica@epa.gov)>  
**Subject:** RE: Draft Letter to Ute Business Committee - Found it...

What ever happened to this? Did it go out last Friday?

*Diane Rene Moon*  
*Staff Assistant to the Regional Administrator*  
*Office of the Regional Administrator (8RA)*  
*1595 Wynkoop Street*  
*Denver, Colorado 80202*  
*(303) 312-6532*  
*[moon.diane@epa.gov](mailto:moon.diane@epa.gov)*

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**From:** Daly, Carl  
**Sent:** Tuesday, July 3, 2018 8:11 AM  
**To:** Moon, Diane <[Moon.Diane@epa.gov](mailto:Moon.Diane@epa.gov)>  
**Cc:** Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Varilek, Kimberly <[Varilek.Kimberly@epa.gov](mailto:Varilek.Kimberly@epa.gov)>; Boydston, Michael <[Boydston.Michael@epa.gov](mailto:Boydston.Michael@epa.gov)>; Fallon, Gail <[fallon.gail@epa.gov](mailto:fallon.gail@epa.gov)>; Morales, Monica <[Morales.Monica@epa.gov](mailto:Morales.Monica@epa.gov)>  
**Subject:** Re: Draft Letter to Ute Business Committee - Found it...

As far as I know this is the latest version - date typo fixed 7/2 to 7/20.

Carl Daly 303-312-6416

On Jul 3, 2018, at 6:54 AM, Moon, Diane <[Moon.Diane@epa.gov](mailto:Moon.Diane@epa.gov)> wrote:

I can make the changes on this one if someone can confirm it is the most recent.

*Diane Rene Moon*  
*Staff Assistant to the Regional Administrator*  
*Office of the Regional Administrator (8RA)*  
*1595 Wynkoop Street*  
*Denver, Colorado 80202*  
*(303) 312-6532*  
*[moon.diane@epa.gov](mailto:moon.diane@epa.gov)*

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**From:** Morales, Monica  
**Sent:** Thursday, June 28, 2018 2:34 PM

**To:** Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>;  
Daly, Carl <Daly.Carl@epa.gov>  
**Cc:** Moon, Diane <Moon.Diane@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Fallon,  
Gail <fallon.gail@epa.gov>  
**Subject:** RE: Draft Letter to Ute Business Committee

Here is the version of the letter that I gave to Deb Thomas on Friday to talk to Doug about.  
Diane Moon now has this version to put in front of Doug again on Monday.

Monica S. Morales  
Director, Air Program (8P-AR)  
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1595 Wynkoop Street  
Denver, Colorado 80202-1129  
Phone: (303) 312-6936  
[morales.monica@epa.gov](mailto:morales.monica@epa.gov)

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**From:** Schefski, Kenneth  
**Sent:** Thursday, June 28, 2018 1:50 PM  
**To:** Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Morales, Monica  
<Morales.Monica@epa.gov>  
**Subject:** FW: Draft Letter to Ute Business Committee

Sure, I'll walk it over now. The version I sent is attached.

K.C. Schefski  
Regional Counsel  
US EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202

Work: 303.312.6843 | Cell: 303-549-5915 | Fax: 303-312-7202

*This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.*

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**From:** Schefski, Kenneth  
**Sent:** Tuesday, June 19, 2018 2:35 PM  
**To:** Benevento, Douglas <benevento.douglas@epa.gov>  
**Cc:** Hestmark, Martin <Hestmark.Martin@epa.gov>; Daly, Carl <Daly.Carl@epa.gov>; Morales, Monica  
<Morales.Monica@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Fallon, Gail  
<fallon.gail@epa.gov>; Michael Boydston <Boydston.Michael@epa.gov>  
**Subject:** Draft Letter to Ute Business Committee

Doug,

Attorney Client / Ex. 5 Please let us know if you  
have any questions or edits, before we route it to you for signature.

Thanks, KC

K.C. Schefski  
Regional Counsel

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<Response to April 16\_ 2018 Ute letter.revised.docx>